

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA
v.
DEVON FREEMAN

Case No. 23 CR 158
Judge Robert Gettleman

**GOVERNMENT'S MOTION FOR LEAVE TO
FILE MEMORANDUM IN EXCESS OF 15 PAGES**

The UNITED STATES OF AMERICA, through its attorney, MORRIS PASQUAL., Acting United States Attorney for the Northern District of Illinois, respectfully moves for leave to file a response memorandum in excess of 15 pages (*see* N.D. Ill. Local Rule 7.1). In support thereof, the government states as follows:

1. Defendant is currently charged with one count of unlawful possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). Dkt. 1.
2. Defendant filed a motion to dismiss the indictment, arguing that § 922(g)(1) is unconstitutional under *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). Dkt. 27. The Court denied the motion and defendant filed a motion to reconsider, arguing that the Seventh Circuit's decision in *Atkinson v. Garland* (--- F.4th ----, 2023 WL 4071542 (7th Cir. June 20, 2023)) demands a more detailed historical analysis of the constitutionality of § 922(g)(1). Dkt. 32.
3. The government's response to the motion to reconsider is due August 7, 2023. Dkt. 35.
4. N.D. Ill. Local Rule 7.1 provides, in summary, that a brief shall not exceed 15 pages without the court's approval.

5. Given the nature of the challenge presented by defendant's motion, the government anticipates that it will be unable to compose a response memorandum of 15 pages or fewer. More specifically, in *Atkinson v. Garland*, 70 F.4th 1018, 1023-24 (7th Cir. 2023), the Seventh Circuit outlined "several interrelated and non-exhaustive questions" bearing on the constitutionality of § 922(g)(1) and which *Atkinson*, in remanding the matter to the district court, directed the parties to answer. In order to conduct the "proper, fulsome analysis of the historical tradition supporting § 922(g)(1)" called for by *Atkinson* (*id.* at 1022), the government seeks leave to file a response memorandum in excess of 15 pages.

6. Counsel for the government has reached out to counsel for defendant regarding this request, but has not yet heard back.

WHEREFORE, the United States respectfully requests leave to file its response to defendant's motion to reconsider in excess of 15 pages.

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

By: /s/ Megan E. Donohue
MEGAN E. DONOHUE
Assistant United States Attorney
219 South Dearborn, 5th Floor
Chicago, Illinois 60604
(312) 353-1877

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